

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IMHOTEP JORDAN, JR.,)	No. C 12-3159 SBA (PR)
)	
Plaintiff,)	
v.)	<u>ORDER OF DISMISSAL</u>
)	
DISTRICT COURT JUDGE,)	
)	
Defendant.)	
_____)	

Plaintiff Imhotep Jordan, Jr., an inmate at California State Prison in Lancaster, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 19, 2012. On the same date, the Clerk of the Court sent Plaintiff a notice instructing him to complete an in forma pauperis application within thirty days from the filing date stamped on the notice, or else his case would be dismissed.

On July 10, 2012, the Court's mail was returned as undeliverable because Plaintiff refused to accept it.

On July 25, 2012, Plaintiff filed a document entitled, "Presentation of Judicial Notice of Mail Tampering by Prison Employee," in which he stated he did not accept the Court's mail because it had been opened by a prison employee.

On August 27, 2012, the Clerk of the Court sent Plaintiff a second notice that the completion of his in forma pauperis application was due in thirty days from the filing date of the notice, and that the failure to comply would result in the dismissal of his case.


On December 5, 2012, the Court's mail was returned as undeliverable because, again, Plaintiff refused to accept it.

1 More than thirty days have passed since the Clerk of the Court sent Plaintiff a second
2 notice that his in forma pauperis application was due. Plaintiff has not submitted the
3 requisite application as ordered or communicated with the Court since July 25, 2012. The
4 Court therefore finds that Plaintiff's refusal to accept mail from the Court, lack of
5 communication, and non-compliance with the Court's instructions constitute grounds for
6 dismissal under Federal Rule of Civil Procedure 41(b). See Ferdik v. Bonzelet, 963 F.2d
7 1258, 1260 (9th Cir. 1992). Accordingly,

8 IT IS HEREBY ORDERED THAT the instant action is DISMISSED without
9 prejudice. The Clerk of the Court shall close the file.

10 IT IS SO ORDERED.

11 DATED: 2-14-13


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 IMHOTEP JORDAN JR,

5 Plaintiff,

6 v.

7 DISTRICT COURT JUDGE et al,

8 Defendant.

Case Number: CV12-03159 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on February 19, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Imhotep Jordan C-71742
16 California State Prison - Los Angeles at Lancaster
17 (LAC)
18 P.O. Box 8457
19 44751 60th Street West
20 Lancaster, CA

21 Dated: February 19, 2013

22 Richard W. Wieking, Clerk
23 By: Lisa Clark, Deputy Clerk
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United States District Court
For the Northern District of California

United States District Court
For the Northern District of California

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